

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/700,333
Confirmation No.: 5159
Filing Date: November 3, 2003
Examiner: Venkataraman Balasubramanian
Group Art Unit: 1624
Applicants: Mark Ledeboer et al.
For: COMPOSITIONS USEFUL AS INHIBITORS OF JAK AND
OTHER PROTEIN KINASES

July 17, 2007
Cambridge, Massachusetts

Mailstop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Dear Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242 ("VERTEX"), represents that it is the assignee of record of the entire right, title and interest of the patent applications identified below by virtue of the following:

An assignment of the entire right, title and interest in and to the subject matter of United States Patent Application No. 10/700,333 ("hereafter the '333 application"), filed on November 3, 2003, was recorded in the United States Patent and Trademark Office on April 22, 2004 at Reel/Frame 014544/0194.

An assignment of the entire right, title and interest in and to the subject matter of United States Patent Application No. 10/702,113, filed November 5, 2003 (“hereafter the ‘113 application”), was recorded in the United States Patent and Trademark Office on April 2, 2004 at Reel/Frame 014486/0440.

An assignment of the entire right, title and interest in and to the subject matter of United States Patent Application No. 10/639,784, filed August 12, 2003 (“hereafter the ‘784 application”), was recorded in the United States Patent and Trademark Office on January 8, 2004 at Reel/Frame 014241/0645.

The undersigned, on behalf of VERTEX, hereby disclaims the terminal portion of any patent granted on the ‘333 application that would extend beyond the expiration date of any patent granted on the ‘113 application.

The undersigned, on behalf of VERTEX, agrees that any patent so granted on the ‘333 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to any patent granted on the ‘113 application, this agreement to run with any patent granted on the ‘333 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the ‘333 application prior to the full statutory term of any patent granted on the ‘113 application, in the event that any patent granted on the ‘113 application subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned, on behalf of VERTEX, also hereby disclaims the terminal portion of any patent granted on the '333 application that would extend beyond the expiration date of any patent granted on the '784 application.

The undersigned, on behalf of VERTEX, agrees that any patent so granted on the '333 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to any patent granted on the '784 application, this agreement to run with any patent granted on the '333 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '333 application prior to the full statutory term of any patent granted on the '784 application, in the event that any patent granted on the '784 application subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and
2. The above-identified assignment document has been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '333 application, the '113 application and the '784 application is in assignee.

Respectfully submitted,

/Karen E. Brown/

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